



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SOFER & HAROUN, L.L.P.
317 MADISON AVE.
SUITE 910
NEW YORK NY 10017

COPY MAILED

MAY 06 2008

OFFICE OF PETITIONS

In re Application of
Michael Pascazi
Application No. 09/902,466
Filed: July 10, 2001
Attorney Docket No. **844-002**

: ON PETITION

:

This is a decision on the petition under 37 CFR 1.137(b)¹, filed June 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed August 18, 2006. A response was filed February 23, 2007 with a three month extension of time request and a February 20, 2007 certificate of mail date, but by Advisory Action of April 19, 2007, petitioner was advised that the response did not place the application in condition for allowance. The instant petition preceded the mailing of the Notice of Abandonment which was mailed July 13, 2007.

Petitioner has submitted a Request for Continued Examination (RCE) with a request that the previously filed February 23, 2007 amendment be accepted as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2617 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).